Life Ins. Co. v Dorriety 229 Ala. 352, 157 So. 59; Globe & Rutgers Fire Ins. Co. v Pappas, 219 Ala. 332, 122 So. 346. Here, Petitioner provided the most substantiated documentation of its claim that one can imagine, cooperated with the Capitals until a title decision could be obtained as to covered property on December 7, 2001, and was never informed by the Capitals that a complete denial of coverage may occur for any reason asserted prior to the Whitney litigation. The conduct so described is, of course, a complete waiver of all conditions precedent under the policy or policies and based upon the facts presented, the best that Respondents could hope for is a dispute that must be tried by a jury under Alabama law. See Home Indemnity Co. v Reed Equipment Co. Inc., 381 So2d 45 (Ala. 1980) as to waiver and United Fidelity v. Baldwin County Homeowners Assoc. 770 So2d 72 (Ala. 2000) as to jury trial issues concerning failure of timely notice allegations. Therefore, the record below does not support the judgment as discussed by Vachon v. New Hampshire 414 U.S. 478 (1974); and Harris v. United States, 404 U.S. 1232 (1971).

III. The no opinion decisions granting summary judgment to said insurance company defendants was tantamount to the denial of a remedy to Industrial Technologies, Inc., and access to the courts contrary to the Fourteenth Amendment due process clause of the United States Constitution.

Petitioner contends that the facts of this case as stated above show that the no opinion orders of the Supreme Court denied Industrial reasonable access to the courts and a reasonable remedy for its claims. The Constitution requires:

1. That a reasonable opportunity be granted to present petitioner's claim.
2. In a meaningful manner
3. In a hearing
4. Appropriate to the nature of the case.

Petitioner contends that a reasonable opportunity for an appropriate claim hearing to the nature of this case as also mandated by the Constitution of Alabama , 1901, was not given to him in either the trial court or on appeal to the Supreme Court as required in Boddie v. Conneticut 401 U.S. 371, 379 (1971).

IV. The no opinion decisions denying Industrial's claims is tantamount to the denial of Industrial's right to a jury trial remedy and of the right to an appeal remedy when each is enjoyed by all other persons in the State of Alabama alleging similar claims and similarly situated as to the facts of the Industrial Technologies claims and thereby violated the equal protections clause of the Fourteenth Amendment to the United States Constitution.

The Alabama Supreme Court judgments denied it a jury trial in violation of Article 1, Section 11, Constitution of Alabama and in violation of 22-2-7(4) Code of Alabama, 1975. It also denied Industrial a right of appeal in that the court's judgments reduced the remedy to nothing more than a petition for a writ of certiorari to review a trial court order contrary to the equal protection clause of the Fourteenth Amendment to the United States Constitution. The denials constitute arbitrary acts of state government. Plyer v. Doc, 457 U.S. 202 (1982) and F.S. Royster Guar. Co. v. Virginia 253 U.S. 412 (1920).

CONCLUSION

In conclusion, Petitioner requests that the Petition be granted and that a writ of certiorari issue to review the judgment of the Supreme Court of Alabama and, thereafter, that the court enter an order reversing said judgment as void and remand the case with instruction to grant a jury trial on all issues presented in this Petition.

Respectfully submitted,

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